

REMARKS

Non-elected claims 13-26 and 34-41 have been cancelled. Independent claims 1 and 27 have been amended to clarify the invention, in particular, the meaning of the term "string zipper". Certain dependent claims have been amended to conform to amended claim 1. New claim 42 has been added. Claims 1-12, 27-33, and 42 are now pending.

In ¶ 3 of the Office Action, the drawings were objected to for failing to show features recited in the claims. In response to the objection, Figure 1 has been amended to add dashed lines representing slits. Also the specification has been amended to conform to amended Figure 1.

In ¶ 4 of the Office Action, the drawings were objected to for failing to show features described in the specification. With regard to slits in the flap, the deficiency has been cured by the aforementioned amendment to Figure. With regard to the concave curved indentations and the convexities of the slider, these features are not "essential to proper understanding of the disclosed invention" and the portions of the specification disclosing those features has been deleted.

In ¶ 5 of the Office Action, the drawings were objected to for showing a reference numeral (i.e., 58) that is not mentioned in the specification. This objection has been

overcome by deleting numeral 58 from Figure 3.

In ¶ 7 of the Office Action, claims 1-12 and 27-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arnell (US 5,851,071) in view of Price (US 6,213,641). The Applicants traverse this ground of rejection for the following reasons.

In support of this rejection, the Examiner concedes that the Arnell reference is silent concerning a slider and a string zipper. The Applicants respectfully submit that the Examiner has erred in this regard. The term "string zipper", as expressly defined in Applicants' specification on page 23, lines 23-25, means a zipper comprising two interlockable closure strips that have substantially no flange portion. Figure 3 of Arnell clearly shows a zipper 18 having no flange portions, i.e., a string zipper.. As seen in Figure 1, the string zipper 18 is disposed near the hanger strip 52, which is analogous to the wicket flap 112 shown in Applicants' Figure 1. Arnell does not, however, disclose another string zipper having a slider mounted thereon.

The mistaken interpretation of the Arnell teaching is compounded by misinterpretation of the Price patent. Contrary to the assertion in the Office Action, Figure 5 does not depict a string zipper. Items 11 and 12 shown in Figure 5 of Price are bag walls shown integrally formed with the

closure profiles of reclosable fastener 14. Fastener 14 is not a string zipper. Nor does Figure 5 of Price show the bag walls 11 and 12 being joined to the backs of a pair of flange zipper parts, as now recited in amended claims 1 and 27.

It should be noted also that the Arnell specification does not match the drawings therein. Referring to Figure 1, the Arnell specification states that a plastic zipper 16 is disposed proximate to the top edges 20 of the front and rear walls (see col. 3, lines 13-15) and that the top edges 20 can be manually unsealed "without tools" by tearing the top edges 20 along a perforated line 48 (see col. 4, lines 43-50). In fact, the reference numerals 20 and 48 do not appear in Figure 1. Nor does Figure show a zipper at the end of the leader for reference numeral 16. In any event, since the Arnell patent explicitly states that "the top edges of the plastic bag 10 of the invention are preferably one-time sealed in a way that they can be manually unsealed without tools.

In any event, Applicants' claimed bag has a second string zipper that is reclosable and is operated by a tool, namely, a slider. Thus, even if one were to give Arnell a generous reading, it would not be obvious to incorporate the slider of Price on a zipper of Arnell since latter does not teach or suggest a reclosable bag.


Atty Docket No.: ITW-13971

Since a *prima facie* case for obviousness has not been made vis-à-vis the combination of Arnell and Price, the Applicants submit that the obviousness rejection should be withdrawn.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-12, 27-33, and 42 are hereby requested.

Respectfully submitted,

March 23, 2005
Date


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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

March 23, 2005
Date


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AMENDMENTS TO THE DRAWINGS:

The Applicants request that Figure 1 be amended to add two dashed lines 118 representing slits and that Figure 3 be amended to remove the reference numeral 58. New formal drawings for Figures 1 and 3, each bearing the legend REPLACEMENT SHEET in the top margin, are being submitted herewith.